

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

December 19, 2003

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Detective Robert Menzel and Police Officer Rafael Rivera
C.I. File No. 02-S-295; ELO No. 1798

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Detective Robert Menzel and Police Officer Rafael Rivera. The claim is in the amount of \$338.26 including \$8.26 in disbursements for 3.00 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the officers on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.
2276

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

November 4, 2002

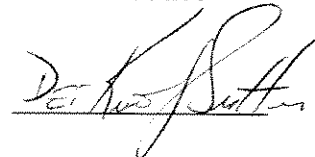
ACA Jan Smokowicz
City Hall, Room 800
Milwaukee, Wisconsin

Sir,

Per your request dated September 13, 2002, C.I. 02-S-295, I am sending you the officers responses to Attorney Eggert's bill.

Sincerely,

Arthur L. Jones
Chief of Police

A handwritten signature in dark ink, appearing to read "Kurt J. Sutter", written over a horizontal line.

Kurt J. Sutter
Detective
Internal Affairs Division

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

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Deputy City Attorney

THOMAS E. HAYES
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Special Deputy City Attorneys



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MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

September 13, 2002

Commander Steven Settingsgaard
Milwaukee Police Dept., Internal Affairs Div.
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 53209

Re: C.I. File No. 02-S-295
Communication from EGGERT & CERMELE, S.C.

Dear Commander Settingsgaard:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers.

Please determine whether these officers were in fact involved in the matter described in Ms. Eggert's claim, and have these officer verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

02 SEP 25 PM 1:39
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

CITY OF MILWAUKEE 1840 North Farwell Avenue
Suite 303

2002 SEP -3 PM 3: 58
Milwaukee, Wisconsin 53202
(414) 276-8750

RONALD D. LEONHARDT
CITY CLERK FAX (414) 276-8906

August 30, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
Room 800
200 East Wells Street
Milwaukee, WI 53202

RE: Various claims

Dear Mr. Leonhardt:

Enclosed are the following claims:

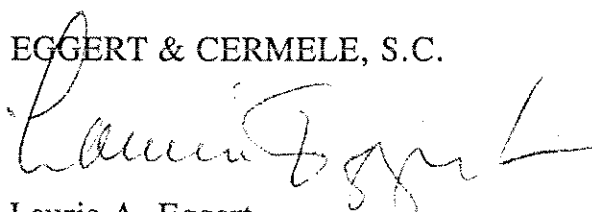
OFFICER(S)

OUR NO.

Campbell/Warren	1804
Harter	1802
Hoehne	1799
Jackson, et al.	1803
McCullough	1806
Menzel/Rivera	1798

Respectfully,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

LAE/ldl
Enclosures
CLAIMS 02-3

CITY OF MILWAUKEE
RECEIVED
2002 SEP -3 PM 3: 58
CITY CLERK

				P.O. JOHN HEFLY	
120	9-23-02	COLE, ISAM		OFFICE JOHN 9-23-02 OFFICE JOHN 9-23-02 OFFICE JOHN 9-23-02 MPO	
121	9-23-02	LEONARD, LORIAN		CITY OF MINNEAPOLIS (UNUSUAL OFFERS)	CLAIM INVESTIGATION
122	9-23-02	GREGORY, CYNTHIA STAN		CITY OF MINNEAPOLIS (OFFICE LUTHER?)	CLAIM INVESTIGATION
123	9-23-02	BROWN, DEAN		MPO	CLAIM INVESTIGATION
124	9-23-02	HAFF, LINDA		P.O. KEVIN DAVIS P.O. JOHN HEFLY	CLAIM INVESTIGATION
125	9-25-02	EGGERT, LAURIE	32	P.O. JIM CAMPBELL 32 P.O. JOSEPH WARREN	CLAIM FOR LEGAL SERVICES
126	9-25-02	"	" 73	P.O. TOM HARTER	"
127	"	"	" 71	P.O. DAVID HOEHNE	"
128	"	"	" 15	P.O. JUTIKI JACKSON 15 P.O. RANDY SMITH 15 P.O. JIM SPENCE 15 P.O. TODD JOHNSON 15 P.O. SHANEY METZGER	"
129	"	"	" 54	P.O. WALTER MCCULLOUGH	"

PATROL SUPPORT DIVISION
12-11

#	DATE	COMPLAINANT	OFFICER(S)	TYPE OF CASE
130	9-25-02	EGGERT, LAURIE 88 SOB VOD 88	DET. ROBERT MENZEL P.O. RAFAEL RIVERA	CLAIM FOR LEGAL SERVICES

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 29, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

**RE: MPD Criminal Investigation of Det. Robert Menzel and PO Rafael
Rivera
Allegations Regarding Mr. Angelo Nelson
Date of Incident: August 28, 2001
Location of Incident: 2513 South 9th Street
EC No.: 1798**

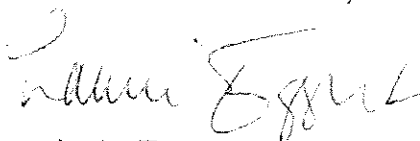
Dear Mr. Leonhardt:

The above-named detective and police officer have retained us to represent them in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent them, and as they were performing the duties of their office at the time of the events giving rise to the incident, the claim is hereby made on their behalf for the indicated legal fees. This incident involved the arrest of a suspect for possession. Charges will not be issued against the detective or officer. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

JC/ldl
MENZEL RIVERA

12/18/03

O.K.

JAS

Letter 2276

EGGERT & CERMELE, S.C.*Attorneys at Law*Laurie A. Eggert
Jonathan Cermele1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 29, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee WI 53202RE: MPD Criminal Investigation re: Mr. Angelo Nelson
Regarding: Det. Robert Menzel and P.O. Rafael Rivera
Date of Incident: August 28, 2001
Location of Incident: 2513 South 9th Street

Professional services

	<u>Hours</u>	
09/12/01 Telephone call from clients; open file.	0.50	
09/24/01 Telephone call from IAD; several telephone calls to and from Det. Menzel; memo to file; meeting with Det. Menzel and PO Rivera; meeting with IAD; travel; memos to file.	1.50	
11/29/01 Review of file; telephone call to and from IAD regarding decision to clear complaint do to it being baseless; correspondence to clients; correspondence to MPD Open Records.	0.50	
04/22/02 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	3.00	\$330.00
Additional charges:		
04/22/02 MPD Open Records request		8.26

Mr. Ronald D. Leonhardt

Page 2

Amount

Total costs	\$8.26
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Total amount of this bill	\$338.26
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Balance due	\$338.26
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(Rate: \$110.00 per hour)

CLEARANCE REPORT
PAGE 3

YOUNG states that she did see one of the police officers put NELSON into the rear passenger door of a squad. She states that none of the officers ever pushed NELSON into the squad or onto the squad. She states that she saw no problem when NELSON was put into the squad.

When Detective LEVENHAGEN spoke with NELSON, I could observe no injuries or signs of bruising to his face where he claimed to have been struck by an officer with a fist. NELSON did take several sutures to the right ear but there is evidence in the officer's reports that officers did need to decentralize him and that he did struggle when officers attempted to put handcuffs on. There is also evidence that Detective MENZEL knelt on NELSON's shoulder blade area in attempt to gain control of his hands but there is no evidence that anyone stomped on NELSON's head or struck him in the face with fist. Several witnesses state that they observed the arrest and did not see any of the allegations that NELSON made occur.

Both Police Officers Raphael RIVERA payroll number 62238 and Detective Robert MENZEL payroll number 55650 contacted attorney John CERMELE who contacted Detective LEVENHAGEN and informed me that the officers would not be making any statements regarding this incident.

Based on the reports written by the officers involved in the arrest of Angelo NELSON along with statements made by witnesses to the arrest of Angelo NELSON there is no evidence of any criminal wrong doing by any of the officers involved in the arrest of Angelo NELSON. This report will be cleared as baseless and unfounded pending any new information may come forward in the future.

ML: els 10-03-01
01-274

Det Mark Levenhagen
Det Mark Levenhagen

VIEWING D.A.	P.O./DET. ASSIGNED	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	VICTIM NOTIFIED BY
INCIDENT STATUS <input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input checked="" type="radio"/> UNFOUNDED/BASELESS <input type="radio"/> VICTIM REFUSES TO COOPERATE (SUSPECT INFORMATION NEEDED)	<input type="radio"/> PROPERTY RECOVERED <input type="radio"/> WARRANT REFUSED	<input type="radio"/> ARREST UNDER 18 <input type="radio"/> A. Detained at MCCC <input type="radio"/> B. Ordered in to MCCC DATE: _____ <input type="radio"/> WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY <input type="radio"/> A. Death of Offender <input type="radio"/> B. Prosecution Declined	<input type="radio"/> C. Extradition Denied <input type="radio"/> D. Refused to Cooperate	<input type="radio"/> E. Juvenile, no custody <input type="radio"/> F. Not Applicable
JUSTIFIABLE HOMICIDE <input type="radio"/> A. SUSP ATTKCD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTKCD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTKCD CIVILIAN <input type="radio"/> D. SUSP ATTEMPTED FLIGHT FROM CRIME	<input type="radio"/> E. SUSP KILLED IN COMMISSION OF CRIME <input type="radio"/> F. SUSP RESISTED ARREST <input type="radio"/> G. UNABLE TO DETERMINE/NOT ENOUGH INFORMATION <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER	

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 26, 2002

TO: DETECTIVE ROBERT MENZEL
SOB VCD

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney EGGERT has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on AUGUST 28, 2001
- 2) A citizen's complaint made by ANGELO NELSON
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation
in this matter?

YES ☒ NO ☐

Your signature: _____

Print your name: _____

Robert J. Menzel
ROBERT J. MENZEL

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

St. Settingsgaard
STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

RECEIVED

02 OCT - 1 PM 1:28

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
SMS

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 26, 2002

TO: P.O. RAFAEL RIVERA
SOB VCD

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney EGGERT has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on AUGUST 28, 2001
- 2) A citizen's complaint made by ANGELO NELSON
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO

Did you receive legal representation
in this matter?

YES X NO

Your signature: P.O. Rafael Rivera

Print your name: P.O. Rafael RIVERA

Upon completion, please return this memorandum to the Internal
Affairs Division at the Police Academy (Room 325) as soon as possible.

St. Settingsgaard
STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

RECEIVED
02 OCT - 2 AM 11:15
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION